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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,086	01/27/2001	Alexander Lerner	005403 /CMP	6910

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APPLIED MATERIALS, INC.
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SANTA CLARA, CA 95050

EXAMINER

SPISICH, MARK

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 05/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771,086

Applicant(s)

LERNER ET AL.

Examiner

Mark Spisich

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-17 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Crocker (USP 3,519,277). The patent to Crocker discloses a hollow shaft (1) which would be capable of allowing a fluid to flow through it, a bearing (6), housing (4,14,etc) in which the bearing is located and a shield (42) mounted to the shaft (1) such that it is rotatable therewith and which cooperates with a portion of the housing to help prevent fluid enter (see column 4, lines 19-30). The present claims are NOT limited to the environment broadly shown in fig 1 and only positively recite a hollow shaft, bearing, housing and shield. The brush, and also any supply of cleaning fluid, is not positively recited in the claims.

3. Claims 9-14,16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Letourneur (USP 5,342,282). The patent to Letourneur discloses a hollow shaft (3) which is mounted for rotation in a housing (44) by way of bearings located in the housing (44) and further including a pair of shields (52) which cooperate with portions of the housing to define a seal (see column 4, line 51 thru column 5, line 3) and further wherein the shields are located on opposite sides of the housing. The patent to Letourneur also discloses a mechanism (2) for mounting something to the shaft (3).

Art Unit: 1744

The phrase "adapted to mount a scrubber brush" is not a positive recitation of the brush and fails to define over the structure of the prior art. The present claims are NOT limited to the environment broadly shown in fig 1 and only positively recite a hollow shaft, bearing, housing and shield. The brush (even in claims 8 and 14), and also the supply of cleaning fluid, is not positively recited in the claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4 and 7-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siman (USP 5,701,625) in view of Tooley (USP 4,348,067). The patent to Siman discloses a first fixed tube (9) which partially extends into a second tube (6) which second tube is mounted for rotation by means of a bearing (7) located within a housing (the portions of the device disposed about the bearing). The patent to Siman discloses the invention substantially as claimed with the exception of the shield. The patent to Tooley the concept of sealing a bearing (22) within a housing (12) by providing first and second shields (see figs 2 and 3 and column 3, lines 7-54) which rotate with a shaft (30) and which cooperate with portions of the bearing housing (12) to define seals on opposite sides of the bearing. It would have been obvious to have modified the device of Siman as such to protect the bearing (7) by preventing debris from entering it. With regard to the "assembly block", the remaining structure of the device would read on this

Art Unit: 1744

element insofar as it is defined in the claims and the valve (18) would read on the drainage opening of claim 2. "Dimensioned so to..." (claim 7) does not define over the structure of Siman. Siman also discloses a mechanism on the shaft (6) for mounting a brush (claim 8). As mentioned above, the claims are not limited (by the structure therein) to the environment broadly shown in fig 1. The remaining claims, or the structure recited therein, was already addressed and need not be repeated.

6. Claims 1-5 and 7-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siman (USP 5,701,625) in view of Letourneur (USP 5,342,282). The patent to Siman, as pointed out above, discloses the invention substantially as claimed with the exception of the shield(s). The patent to Letourneur discloses the concept of sealing bearing by fixing shields (52) to the shaft such that they cooperating with the structure housing the bearing to define a (labyrinth) seal. It would have been obvious to one of ordinary skill to have modified the device of Siman as such for essentially the same reasons set forth above. The remaining subject matter was addressed above and need not be repeated (note that Letourneur discloses two spaced bearings:claim 5).

Allowable Subject Matter

7. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited patents are pertinent either (1) to brush devices which

Art Unit: 1744

disclose some bearing structure per se or (2) to bearings in combination with some type of "shield".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (703) 308-1271. The examiner can normally be reached on M-Th (6-3:30), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J Warden can be reached on (703) 308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Mark Spisich
Primary Examiner
Art Unit 1744

MS
May 28, 2003